

In the  
**Indiana Supreme Court**



IN THE MATTER OF THE )  
 )  
APPROVAL OF LOCAL RULES )  
 )  
FOR JASPER COUNTY )

Case No. 37S00-1201 -MS- 58

ORDER APPROVING AMENDED LOCAL RULES

The judges of the Jasper Circuit and Superior Courts request the approval of amended local rules for special judge selection in accordance with Ind. Trial Rule 79 and Ind. Criminal Rule 2.2. Attached to this Order are the proposed amended local rules.

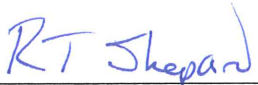
Upon examination of the proposed rule amendments requested by the Jasper Circuit and Superior Courts, this Court finds that the proposed rule amendments, LR37-TR79-05 and LR37-CR2.2-06 comply with the requirements of Ind. Trial Rule 79 and Ind. Criminal Rule 2.2, and accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that Jasper County Local Rule, LR37-TR79-05 and LR37-CR2.2-06, set forth as attachments to this Order, are approved effective retroactive to July 1, 2011, provided further that the rules shall be posted in the county clerk's office(s) and on the county clerk's website, if any, and on the Indiana Judicial Website.

The Clerk of this Court is directed to forward a copy of this Order to the Hon. John D. Potter, Jasper Circuit Court, 115 West Washington Street, Rensselaer, IN 47978-2890; the Hon. James R. Ahler, Jasper Superior Court, 115 West Washington Street, Rensselaer, IN 47978-2890; to the Clerk of the Jasper Circuit and Superior Courts; and to the Division of State Court Administration. The Clerk is also directed to post this Order on the Court's website.

The Clerk of the Jasper Circuit and Superior Courts is directed to enter this Order and attachment in the Record of Judgments and Orders for the Courts, to post this Order and attachment for examination by the Bar and the general public, and if available, to publish this Order and attachment on the county clerk's website.

DONE at Indianapolis, Indiana, this 28<sup>th</sup> day of January, 2012.

  
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Randall T. Shepard  
Chief Justice of Indiana

### **LR37-TR79-05 Appointment of Special Judge in Civil Cases**

A. In the event of a recusal or disqualification of the Judge of the Jasper Circuit Court or the Jasper Superior Court under Trial Rule 79(C) of the Indiana Rules of Procedure, and a Special Judge is not qualified pursuant to Trial Rule 79(D) or 79 (E), then the assignment and selection of a Special Judge shall proceed according to the provisions of sub-part C of this local rule.

B. In the event that a motion for change of judge is granted pursuant to Trial Rule 76(B), and a Special Judge is not qualified pursuant to Trial Rule 79(F) of the Indiana Rules of Procedure, the assignment and selection of a Special Judge shall proceed according to the provisions of sub-part C of this local rule.

C. Assignment of Special Judge

1. The Judge of the Jasper Circuit Court shall be appointed as Special Judge for all cases originating in Jasper Superior Court. If the Judge of the Jasper Circuit Court fails to qualify as Special Judge then selection of the Special Judge shall proceed pursuant to sub-part D of this local rule.

2. The Judge of the Jasper Superior Court shall be appointed as Special Judge for all cases originating in the Jasper Circuit Court. If the Judge of the Jasper Superior Court fails to qualify as Special Judge then selection of the Special Judge shall proceed pursuant to sub-part D of this local rule.

D. In the event no Special Judge qualifies under sub-part C of this rule, the Clerk shall appoint on a rotating basis from the following list of Judges who have agreed to serve as a Special Judge in the Jasper Circuit and Jasper Superior Courts:

- The Judge of the Newton Circuit Court
- The Judge of the Newton Superior Court
- The Judge of the Benton Circuit Court
- The Judge of the Porter Circuit Court
- The Judge of the Porter Superior Court #1
- The Judge of the Porter Superior Court #2
- The Judge of the Porter Superior Court #3
- The Judge of the Porter Superior Court #4
- The Judge of the Porter Superior Court #6

E. In the event that no Special Judge qualifies or is available for appointment, or the particular circumstances in a case warrant the selection of a Special Judge by the Indiana Supreme Court, the Court shall request the Indiana Supreme Court pursuant to Trial Rule 79(H)(3) by written certification to appoint a Special Judge.

### **LR37-CR2.2-06 Appointment of Special Judge in Criminal Cases**

A. In the event of a recusal or disqualification of the Judge of the Jasper Circuit Court or the Jasper Superior Court in a criminal, infraction or ordinance violation, the assignment and selection of a Special Judge shall proceed pursuant to sub-part C of this local rule.

B. In the event of the granting of a motion to change judge or a change of judge pursuant to other Indiana Statute or Rule of Court in a criminal, infraction, ordinance violation, or post-conviction proceeding, the assignment and selection of a Special Judge shall proceed pursuant to sub-part C of this local rule.

C. Assignment of Special Judge

1. The Judge of the Jasper Circuit Court shall be appointed as Special Judge for all cases originating in Jasper Superior Court. If the Judge of the Jasper Circuit Court fails to qualify as Special Judge then selection of the Special Judge shall proceed pursuant to sub-part D of this local rule.

2. The Judge of the Jasper Superior Court shall be appointed as Special Judge for all cases originating in the Jasper Circuit Court. If the Judge of the Jasper Superior Court fails to qualify as Special Judge then selection of the Special Judge shall proceed pursuant to sub-part D of this local rule.

D. In the event no Special Judge qualifies under sub-part C of this rule, the Clerk shall appoint on a rotating basis from the following list of Judges who have agreed to serve as a Special Judge in the Jasper Circuit or Jasper Superior Courts:

- The Judge of the Newton Circuit Court
- The Judge of the Newton Superior Court
- The Judge of the Benton Circuit Court
- The Judge of the Porter Circuit Court
- The Judge of the Porter Superior Court #1
- The Judge of the Porter Superior Court #2
- The Judge of the Porter Superior Court #3
- The Judge of the Porter Superior Court #4
- The Judge of the Porter Superior Court #6

E. In the event that no Special Judge qualifies or is available for appointment, or the particular circumstances in a case warrant the selection of a Special Judge by the Indiana Supreme Court, the Court shall request the Indiana Supreme Court by written certification to appoint a Special Judge.